

*Butt*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,729	12/27/2000	Masaaki Yamamoto	9683/74	3943
757	7590	06/13/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			LY, NGHI H	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/720,729	<b>Applicant(s)</b> YAMAMOTO ET AL.	
	<b>Examiner</b> Nghi H. Ly	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25,28-30,33-48 and 83-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25,28-30,33-48 and 83-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/07/06</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2617

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 25, 28-30, 33, 34, 38-48, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et al (US 7,024,557) in view of Wells et al (US 5,870,683).

Regarding claim 25, Moles teaches a mobile communication terminal that receives communications services from a mobile wireless network (see Abstract and

fig.2, see wireless connection between MS 112 and Intranet/Internet 165 and/or providing server 160), comprising: a communication control that selectively implements multiple communication functionalities comprising a voice communication functionality (see column 1, lines 37-40, see “voice”), an electronic message communication functionality (see column 8, lines 42-46, see “message”) and a network browsing functionality (see column 1, lines 50-58, see “browse”), and the network browsing functionality for browsing a second network located outside the mobile wireless network (see column 1, lines 50-58, see “browse” and fig.2, Intranet/Internet 165 and/or providing server 160 read on applicant’s “a second network located outside the mobile wireless network”), a viewer that activates the network browsing functionality to selectively access information provider servers located in the second network (also see column 1, lines 50-58, see “browse” and see fig.2, Intranet/Internet 165 and/or providing server 160 read on applicant’s “a second network located outside the mobile wireless network”).

Moles does not specifically disclose receiving one or more blocks of screen data from the accessed information provider servers for preview of the received one or more blocks of screen data by a user of the mobile communication terminal, a registration control that upon a selection by the user of one block of screen data through the preview of the received one or more blocks of screen data, stores the selected one block of screen data in one of multiple memory areas each correlatable to any one of the at least one standby state, a correlation control responsive to an instruction from the user to dynamically correlates the one of the multiple memory areas to one of the at

Art Unit: 2617

least one standby state selected by the user, and a display control that, when the terminal is in the selected one of the at least one standby state, displays the selected one of the one or more blocks of screen data.

Wells teaches receiving one or more blocks of screen data from the accessed information provider servers for preview of the received one or more blocks of screen data by a user of the mobile communication terminal (Abstract and column 2, lines 13-25, see "selectively display", and column 4, lines 47-53, see "be erased and replaced with the same or different characters", and they read on applicant's "preview". In addition, the applicant's specification fails to disclose the word "preview"), a registration control that upon a selection by the user of one block of screen data through the preview of the received one or more blocks of screen data (see column 4, lines 11-16 and see column 8, lines 9-13, and see Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state"), stores the selected one block of screen data in one of multiple memory areas each correlatable to any one of the at least one standby state (see column 4, lines 11-16 and see column 8, lines 9-13, and see Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state"), a correlation control responsive to an instruction from the user to dynamically correlates the one of the multiple memory areas to one of the at least one standby state selected by the user (see column 2, lines 12-25, see "selectively display" and column 8, lines 9-13, see "user choice", and see column 5, lines 39-45, see "if a user selects an animation". Wells teaches "selectively display" and "if a user selects an animation" and they read on Applicant's "dynamically correlates"),

Art Unit: 2617

and a display control that, when the terminal is in the selected one of the at least one standby state (Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state", and see column 3, line 54 to column 4, line 10 and see fig.3A to fig.4C. In addition, see column 4, lines 47-53, see "be erased and replaced with the same or different characters"), displays the selected one of the one or more blocks of screen data (Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state" and see column 5, lines 39-45, see "if a user selects an animation" or see column 8, lines 14-15, see "selected animation").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wells into the system of Moles in order to selectively display one of a plurality of graphical information sequences on a display of the mobile station (see Wells, column 2, lines 15-18).

Regarding claim 28, the combination of Moles and Wells further teaches the data source is located outside the network and connected to the network over at least one public data communication network (see Moles, fig.2 or see Well, column 10, lines 9-25, see "can be loaded from the network 32").

Regarding claim 29, the combination of Moles and Wells further teaches the data source is another communication terminal (see Well, column 10, lines 9-25, see "can be loaded through the external data connection 28").

Regarding claim 30, the combination of Moles and Wells further teaches the data source is a server that provides information (see Moles, fig.2 or Wells, column 4, lines 5-10, see “network provider”).

Regarding claim 33, the combination of Moles and Wells further teaches the registration control determines, based on one or more attributes attached to the selected one of the one or more of the received screen data, whether the selected block of the received screen data is storable (see Well, column 3, line 54 to column 4, line 10, and column 4, lines 11-14).

Regarding claim 34, the combination of Moles and Wells further teaches one of the attributes is a size of the selected block of the received screen data (see Well, column 3, line 54 to column 4, line 10).

Regarding claim 38, the combination of Moles and Wells further teaches one of the attributes is a communication protocol adopted in the network (see Moles, fig.2 or see Wells, column 10, lines 9-25, the teaching of Wells inherently teaches Applicant’s “one of the attributes is a communication protocol adopted in the network”).

Regarding claim 39, the combination of Moles and Wells further teaches different screen data is selectively displayed in a standby state (see Wells, Abstract and column 2, lines 13-25, see “Idle state” and “selectively display” and “displayed during an Idle state” and see column 5, lines 39-45, see “if a user selects an animation” or see column 8, lines 14-15, see “selected animation”).

Regarding claim 41, the combination of Moles and Wells further teaches different screen data is displayed in a standby state in a periodic rotation (see Wells, column 4, lines 1-4, see “displayed sequentially”).

Regarding claim 42, the combination of Moles and Wells further teaches one of the at least one standby state is a standby state in which the terminal is waiting for a call to come in or for the user to key in (see Wells, Abstract).

Regarding claim 43, the combination of Moles and Wells further teaches one of the at least one standby state is a state of downloading data from the data source (see Wells, Abstract and column 10, lines 10-25).

Regarding claim 44, the combination of Moles and Wells further teaches the display control keeps displaying screen data until an occurrence of an event triggers a shift from the standby state (see Wells, column 2, lines 12-33).

Regarding claim 45, the combination of Moles and Wells further teaches the selected one of the one or more of the screen data is processed for display (see Wells, column 3, line 54 to column 4, line 10).

Regarding claim 46, the combination of Moles and Wells further teaches the size of the image represented by the selected one of the one or more of the screen data is adjusted (see Wells, column 10, lines 21-24).

Regarding claim 47, the combination of Moles and Wells further teaches the image represented by the selected one of the one or more of the screen data is repeated (see Wells, column 4, lines 1-4, see “displayed sequentially”).



Regarding claim 48, the combination of Moles and Wells further teaches the image represented by the selected one of the one or more of the screen data is placed at a designated location on a display of the terminal (see Wells, fig.3A and 3B).

Regarding claim 84, Moles further teaches the second network is an Internet (see fig.2, see "Internet").

Regarding claim 85, Moles further teaches the one or more blocks of screen data are received from a web page on the Internet (see column 1, lines 50-58, see "web", "Internet" and "graphics").

4. Claims 35, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et al (US 7,024,557) in view of Wells et al (US 5,870,683) and further in view of Official notice.

Regarding claims 35, 36, 37 and 40, the combination of Moles and Wells teaches claim 25. The combination of Moles and Wells does not specifically disclose the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state. However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed in order to improve one of the attributes is copyright protection *or* one of the attributes is

Art Unit: 2617

identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted or different screen data is randomly displayed in a standby state.

5. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et al (US 7,024,557) in view of Wells et al (US 5,870,683) and further in view of Thompson et al (US 5,809,433).

Regarding claim 83, the combination of Moles and Wells teaches claim 25. The combination of Moles and Wells does not specifically disclose one of the at least one standby state is a state of receiving an e-mail.

Thompson teaches one of the at least one standby state is a state of receiving an e-mail (see column 1, lines 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thompson into the system of Moles and Wells so that during the standby mode, the radio telephone can receive electronic mail.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 25, 28-30, 33-48 and 83-85 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly



CHARLES APPIAH  
PRIMARY EXAMINER